

MEMORANDUM

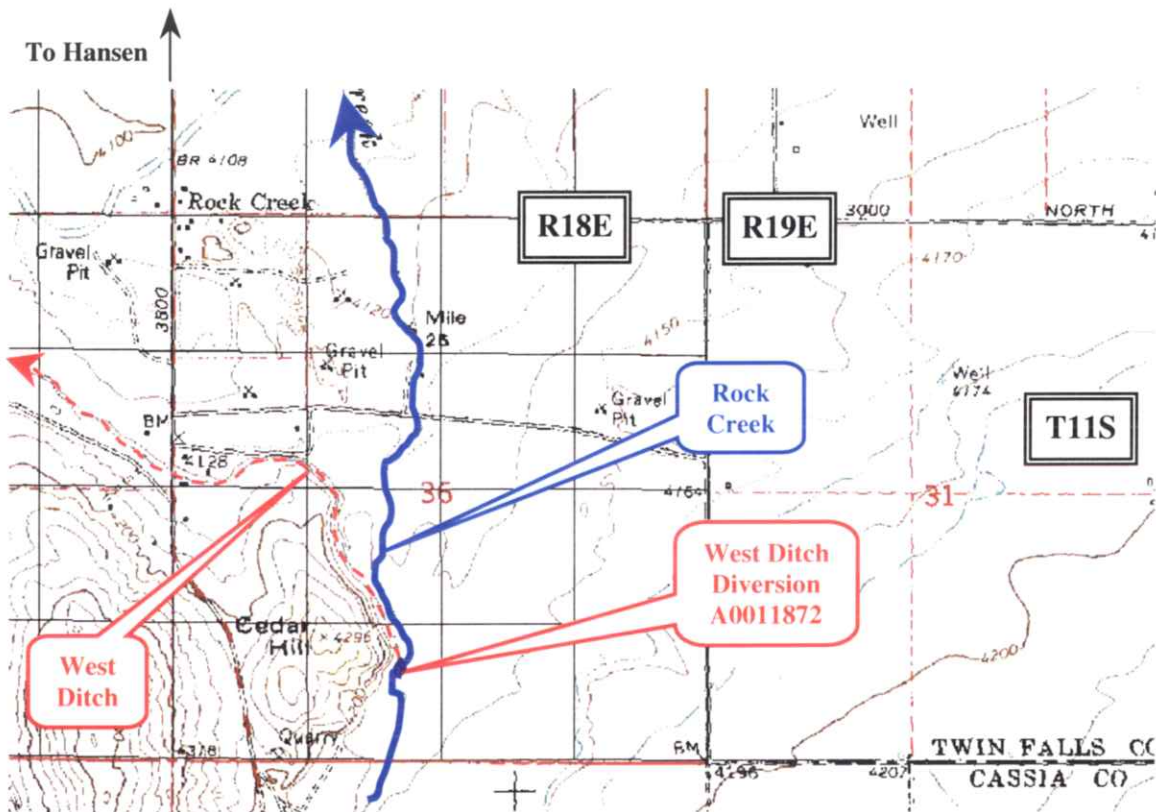
TO: Allen Merritt

FROM: Corey Skinner

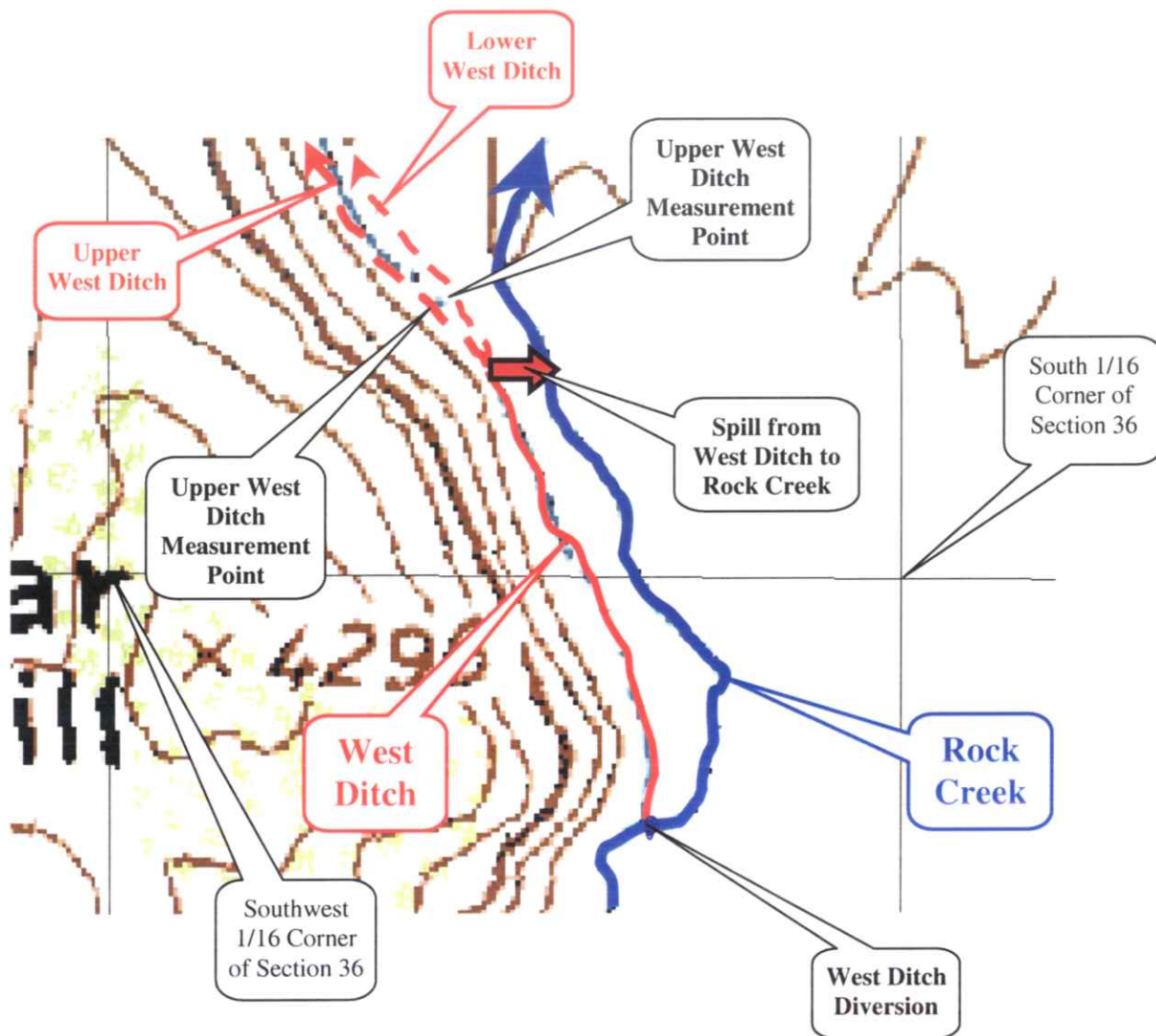
DATE: April 16, 2004

SUBJECT: Filed Visit to West Ditch Diversion on Rock Creek

This day our office received a call from Cindy Blakely, the Rock Creek Water Master (District 47-O). Apparently, some users had concerns relating to the lack of delivery of water into the West Ditch. I arranged to meet Ms. Blakely this morning at the site to go over the situation. Ed Smith, a user on the West Ditch met with Ms. Blakely and I at the site. We proceeded to review the site and the current water delivery situation. The location of the West Ditch Diversion is shown below...



The following drawing shows the general layout of the diversion and measurement system to approximate scale...



The following photos were taken during the visit documenting my observations and current conditions relating to the diversion and measurement system.

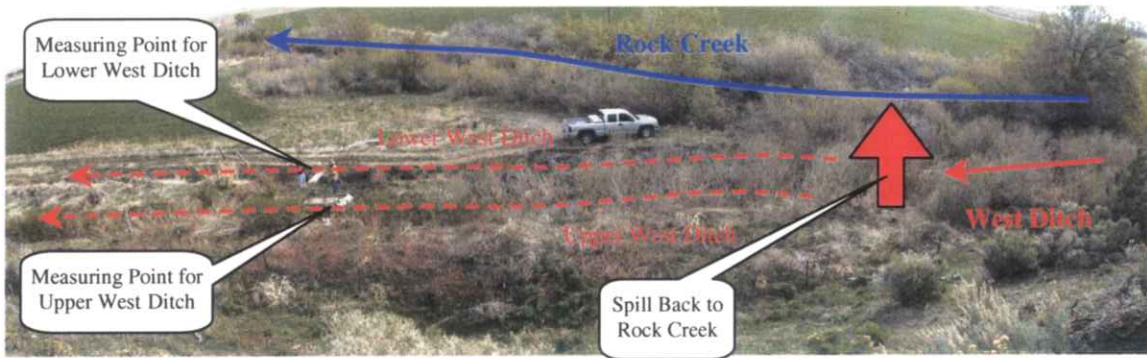


ABOVE: View from side of Cedar Hill looking down on Rock Creek in the area of the West Ditch diversion.

LEFT: View of the West Ditch Diversion from Rock Creek showing gate in the closed position (no gate stem above the operating wheel).

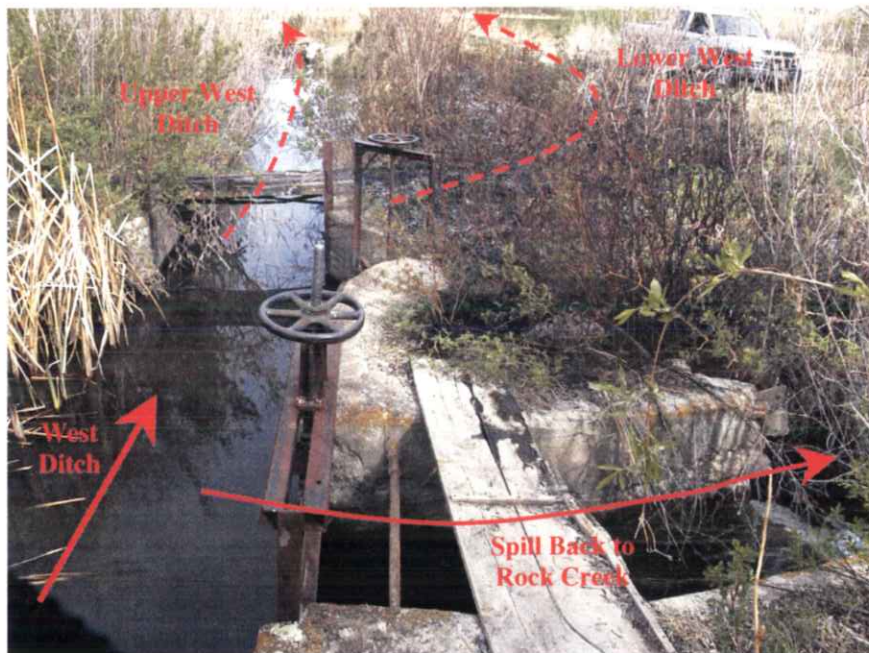


LEFT: View directly below the West Ditch diversion looking back up the West Ditch toward the diversion. Note the large flow entering the West Ditch from Rock Creek despite the diversion gate being in the closed position.



ABOVE: View from side of Cedar Hill looking down on Rock Creek in the area of the West Ditch measuring points.

BELOW: View looking down the West Ditch showing the spill head gate back to Rock Creek along with the head gate allowing diversion of water to the Lower West Ditch. At the time of my visit, the spill head gate was adjusted to allow for water to spill back into Rock Creek and Lower West Ditch head gate was closed to prevent water from entering the Lower West Ditch. Essentially the system was adjusted so that the level of water in the West Ditch was such that no water was flowing down the Lower West Ditch and no water was flowing over the Upper West Ditch measuring weir (approximately 100 feet further downstream than this view).





ABOVE & BELOW: Views of measurement point on the Lower West Ditch. Efforts had been made to repair this weir. During the visit, some water was turned down this ditch and it appeared that this weir was functional with very minimal leakage. Note efforts made to seal edges of weir to prevent leakage around the weir.





ABOVE & BELOW: Views of measurement point on the Upper West Ditch. Rather recently, efforts had been made to repair this weir. Efforts to repair this weir consisted of attempting to seal the upstream side with a plastic tarp and sand bags (photo below). Note that water adjusted in ditch so that no water is flowing over this weir. Water downstream of view can be contributed to continued leakage &/or water spilled over weir before water was adjusted in ditch or before efforts were made to repair the weir.





ABOVE: View as adjustment was made at spill location to send additional water down the Upper West Ditch showing leakage through measurement weir.

BELOW: Same as above, only view just as water spills over the top of the weir showing leakage.



Mr. Smith, Ms. Blakely, and I discussed the situation and the current gate setting. It appeared to me that the current settings are in compliance with the Department's order issued last summer. Basically, if functional, lockable, control works and functional measuring devices are not in place, the water master is not to deliver water. Clearly, the control works at the point of diversion for the West Ditch at Rock Creek are not functional. In addition, the efforts to repair the measuring point on the Upper West Ditch could be improved upon.

Mr. Smith asked if operating the spill gate back into Rock Creek between the actual diversion point and the measuring devices could serve as regulation for the diversions for the West Ditch. Essentially this is what the water master has been forced to do in order to prevent water from entering the Upper and Lower West Ditches in an attempt to be in line with last summer's order. It seems to reason, that the system could be regulated this way. However, the actual regulation is approximately 800 feet downstream from the actual point of diversion from Rock Creek, and in a different quarter-quarter section than the recorded (actual) authorized point of diversion for the West Ditch water rights.

Mr. Smith also indicated that he did not receive the Department's order last summer, and only recently became aware of the order. It seems to reason that there may be some room for compromise for the short term, but eventually the West Ditch head gate at the diversion point at Rock Creek needs to be repaired, or replaced, so that the diversion and use of water will be in compliance with the order issued by the Department last year.